

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-673

13 **KELLY MECHELLE TICE, AKA**
14 **KELLY TICE, AKA**
15 **KELLY MCKEE EDMONDS, AKA**
16 **KELLY MECHELLE MCKEE EDMONDS,**
17 **AKA KELLY MECHELLE MCKEE**
18 P.O. Box 32
Ovett, Mississippi 39464

ACCUSATION

Registered Nurse License No. 601684

Respondent.

19 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about July 9, 2002, the Board issued Registered Nurse License Number 601684
25 to Kelly Mechelle Tice, also known as Kelly McKee Edmonds, Kelly Tice, Kelly Mechelle
26 McKee Edmonds, and Kelly Mechelle McKee ("Respondent"). The Registered Nurse License
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 October 31, 2013, unless renewed.

JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Out-of-State Discipline)

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that on or about December 5, 2010, the Mississippi
5 Board of Nursing, in a disciplinary action entitled, *In the Matter of Mississippi License No. R-*
6 *746894, issued to: Kelly Tice*, entered a *Final Order* (attached hereto as **Exhibit A** and
7 incorporated herein by reference). The *Final Order* imposes restrictions and conditions on
8 Respondent's license, including, but not limited to, the fulfillment of educational requirements
9 pertaining to documentation and medication administration, a \$500.00 fine, and a formal
10 reprimand. The basis of such action is that on or about December 23, 2009, and March 5, 2010,
11 while employed as a registered nurse at the Bristol Regional Medical Center in Bristol,
12 Tennessee, Respondent falsified or in a repeatedly negligent manner made incorrect entries or
13 failed to make essential entries on records; specifically, Respondent failed to accurately document
14 the administration of Morphine and Ativan on two patients.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (False Information in Connection With Application for Licensure)

17 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (e), in
18 that on or about October 27, 2011, Respondent provided false information in connection with her
19 California Renewal Application Registered Nurse, License No. RN 601684, when she checked
20 "No" in Box "H" next to the question, "Since you last renewed your license, have you had a
21 license disciplined by a government agency or other disciplinary body. . . ." In fact, the registered
22 nurse license issued to Respondent by the State of Mississippi Board of Nursing was disciplined
23 as set forth in paragraph 8, above.

24 **PRAYER**

25 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 ///

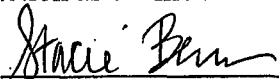
28 ///

1 1. Revoking or suspending Registered Nurse License Number 601684, issued to
2 Kelly Mechelle Tice, also known as Kelly Tice, Kelly McKee Edmonds, Kelly Mechelle McKee
3 Edmonds, and Kelly Mechelle McKee;

4 2. Ordering Kelly Mechelle Tice, also known as Kelly Tice, Kelly McKee Edmonds,
5 Kelly Mechelle McKee Edmonds, and Kelly Mechelle McKee, to pay the Board of Registered
6 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code
7 section 125.3; and,

8 3. Taking such other and further action as deemed necessary and proper.

9 DATED: FEBRUARY 25, 2013

for 
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

Final Order

In the Matter of Mississippi License No. R-746894, issued to: Kelly Tice
Mississippi Board of Nursing

MISSISSIPPI

BOARD OF NURSING

11080 River Oaks Drive, Ste. A-100
Flowood, MS 39232
Telephone: (601) 664-9303
Facsimile: (601) 664-9304



April 25, 2012

CERTIFIED MAIL: 7011 1570 0003 6191 7630

ATTN: Rico Stephens
Board of Registered Nursing
1747 N. Market Blvd., Ste.150
Sacramento, CA 95834

**Re: William R. Adams Mississippi License No. R-864702
Kelly Tice Mississippi License No. R-746894**

Dear Sir/Madam

Enclosed is a certified copy of the Disciplinary Action on the above licensed individual(s).
If you have any questions, call me at (601) 664-9329.

Sincerely,

Brett B. Thompson

Brett B. Thompson
Senior Attorney

BBT:vr

Enclosure: Final Orders

STATE OF MISSISSIPPI

HINDS COUNTY

I, Melinda E Rush, Executive Director of the Mississippi Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing. I certify that attached to this affidavit are true and correct copies of documents as they appear in the files and records of the Mississippi Board of Nursing pertaining to:

William R. Adams Mississippi License No. R-864702

Kelly Tice Mississippi License No. R-746894

WITNESS my hand and seal of the Mississippi Board of Nursing this the 25 day of
April, 2012.

MISSISSIPPI BOARD OF NURSING

By Melinda E Rush

Melinda E Rush, DSN, FNP
Executive Director

BOARD SEAL

MISSISSIPPI

BOARD OF NURSING

1080 River Oaks Dr. Ste A100
Flowood, MS 39232-9779
Telephone: (601) 664-9303
Fax: (601) 664-9304
www.msbn.state.ms.us



December 6, 2010

Kelly Tice
PO Box 32
Ovett, MS 39464

Dear Sir/Madam:

Enclosed is the Final Order of the Board regarding the Agreed Order the Board approved and ratified on December 3rd, 2010.

Sincerely,

FOR THE MISSISSIPPI BOARD OF NURSING

Enclosures: Order Approving and Accepting Agreed Order
Copy of Agreed Order

FOR THE MISSISSIPPI BOARD OF NURSING

By Melinda E. Rush
Melinda E Rush
Executive Director

BOARD SEAL

STATE OF MISSISSIPPI
BOARD OF NURSING

IN THE MATTER OF MISSISSIPPI
LICENSE NO R-746894, issued to:

DOCUMENTATION COURSE/
MEDICATION ADMINISTRATION
COURSE /REPRIMAND/FINE

KELLY TICE
POST OFFICE BOX 32
OVETT, MS 39464
Respondent

DOB: 09/21/1964

AGREED ORDER

WHEREAS, RESPONDENT, KELLY TICE, has been vested with the right and privilege to practice nursing in the State of Mississippi by virtue of License No. R-746894 issued by the Mississippi Board of Nursing; and

WHEREAS, RESPONDENT, KELLY TICE, has consented to enter into an AGREED ORDER without the necessity of a disciplinary hearing by said Board;

IT IS, THEREFORE, STIPULATED AS FOLLOWS:

1. That this AGREED ORDER is entered into freely, willingly and voluntarily by all parties without threats or promises, and further, such AGREED ORDER is entered into in lieu of having a full administrative hearing before the Mississippi Board of Nursing.

2. That RESPONDENT hereby voluntarily, willingly and freely waives all her due process rights including, but not limited to, the right to a hearing whereby she could:

- (a) appear either personally or by counsel or both,
- (b) cross-examine any witnesses who may testify against her,
- (c) present testimony, evidence, and witnesses in her behalf, and
- (d) have subpoenas issued by the Board on her behalf.

3. That RESPONDENT violated Miss. Code Ann. Section 73-15-29 (1)(g) in that RESPONDENT has falsified or in a repeatedly negligent manner made incorrect entries or failed to make essential entries on records while working at Bristol Regional Medical Center, Bristol, TN. Specifically,

RECEIVED

On or about 12/23/2009 and 03/5/2010 **RESPONDENT** failed to accurately document the administration of Morphine and Ativan on two patients.

4. That upon execution of this **AGREED ORDER**, **RESPONDENT** agrees to accept the following penalties which are authorized by Miss. Code Ann. Section 73-15-29 (2) (1972):

- (a) **DOCUMENTATION PROGRAM.** Within ninety (90) calendar days from the date **RESPONDENT** executes this **AGREED ORDER**, **RESPONDENT** shall have received in the Board's office official, written verification that she has successfully completed a Board-approved workshop on documentation.
- (b) **MEDICATION ADMINISTRATION COURSE.** Within one-hundred and eighty (180) calendar days from the date she executes this **AGREED ORDER**, **RESPONDENT** shall have written verification received in the Board's office that she has successfully completed a Board-approved Medication Administration Course.
- (c) **FINE.** **RESPONDENT** agrees to accept a fine of \$500.00 which must be received in the Board's office within thirty (30) calendar days from the date she executes this **AGREED ORDER**. Failure to pay the fine according to the terms of this **AGREED ORDER** may result in further disciplinary action.
- (d) **FORMAL REPRIMAND.** **RESPONDENT** agrees to accept a **FORMAL REPRIMAND** which will become a permanent part of her nursing record.

5. That this **AGREED ORDER** shall be subject to approval by the Board. If the Board fails to approve the **AGREED ORDER**, it shall have no force or effect on the parties.

6. That it is understood and agreed that the purpose of this **AGREED ORDER** is to avoid a hearing before the Board. In this regard, **RESPONDENT** authorizes the Board to review and examine any documentary evidence or information concerning **RESPONDENT** prior to or in conjunction with its consideration of this **AGREED ORDER**.

7. That should the **AGREED ORDER** not be accepted by the Board, the presentation to and consideration of this **AGREED ORDER** and the documentary evidence by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or proceedings pertaining to these or other matters regarding **RESPONDENT**.

8. That **RESPONDENT** acknowledges that her license/privilege to practice nursing are being granted on the condition of full compliance with this **AGREED ORDER** and that failure to adhere to any of the terms of this **AGREED ORDER** may result in further disciplinary action.

MS BOARD OF NURSING

9. That **RESPONDENT** agrees that in the event she fails to comply with the terms of this AGREED ORDER, the Board shall have access to her entire investigative file in subsequent proceedings.

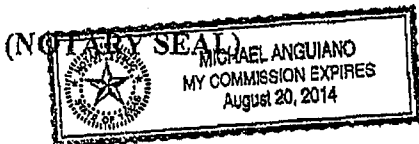
10. That **RESPONDENT** does hereby fully, completely and finally release the Board of Nursing and its agents, servants, or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and whatsoever nature which **RESPONDENT** may now or hereafter have which are in any manner whatsoever related to this AGREED ORDER between **RESPONDENT** and the Board of Nursing. The Mississippi Board of Nursing admits no liability in any way related to this AGREED ORDER.

11. That this document will be considered to be a public record entered as the final disposition of disciplinary proceedings presently pending against **RESPONDENT** and that this action shall be considered to be and may be recorded as a FINAL ORDER of the Board. This discipline will be reported to all federally mandated data banks and, in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended.

EXECUTED this the 5th day of OCTOBER, 2010.


KELLY TICE

Subscribed and sworn before me, in my presence, this 5th day of
OCTOBER, 2010.





NOTARY PUBLIC

XX

APPROVED AND ACCEPTED by the MISSISSIPPI BOARD OF NURSING on this
the 30th day of December, 2010.

MISSISSIPPI BOARD OF NURSING

(BOARD SEAL)

By: 
G. Dwayne Self, RN, CRNA, President
Cathy Williams, CM

Subscribed and sworn before me, in my presence, this 30th day of
December, 2010.

